

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTONIO BACHAALANI NACIF and
WIES RAFI, Individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

ATHIRA PHARMA, INC., et al.,

Defendants.

CASE NO.: 2:21-cv-00861-TSZ
(Consolidated with 21-cv-00862-TSZ and
21-cv-00864-TSZ)

**STIPULATED MOTION RE:
DEFERRAL OF DEADLINES AND
[PROPOSED] ORDER**

**NOTE ON MOTION CALENDAR:
March 8, 2023**

STIPULATION

In accordance with Western District of Washington Local Civil Rules 7(d)(1), 10(g), and 11(b), Lead Plaintiffs Antonio Bachaalani Nacif and Wies Rafi (collectively, “Plaintiffs”), Defendant Dr. Leen Kawas (“Dr. Kawas”), Defendant Athira Pharma, Inc. (“Athira”), and Defendants Goldman Sachs & Co. LLC, Jefferies LLC, Stifel, Nicolaus & Company, Incorporated, and JMP Securities LLC (collectively, the “Underwriter Defendants” and together with Plaintiffs, Athira, and Dr. Kawas, the “Parties”), by and through their undersigned counsel, submit the following Stipulated Motion and respectfully request the Court enter an Order consistent with this Stipulated Motion:

1. WHEREAS, on December 19, 2022, the Underwriter Defendants filed a motion for partial judgment pursuant to Federal Rule of Civil Procedure 54(b) (Dkt. No. 105; the “Underwriters’ Motion”);

2. WHEREAS, on January 23, 2023, Plaintiffs filed their opposition to the Underwriters’ Motion (Dkt. No. 111);

3. WHEREAS, on February 3, 2023, the Underwriter Defendants filed a reply brief in support of the Underwriters’ Motion (Dkt. No. 112);

4. WHEREAS, on February 16, 2023, Plaintiffs and Defendants Athira and Dr. Kawas participated in a full-day mediation before Jed Melnick, Esq. of JAMS ADR;

5. WHEREAS, Plaintiffs and Defendants Athira and Dr. Kawas reached a confidential agreement in principle to settle this putative securities class action on a classwide basis, subject to the Court’s preliminary and final approval;

6. WHEREAS, on February 17, 2023, the Court entered an Order which: deferred and renoted the Underwriters’ Motion, set the deadline for any objections to the Court’s proposed form of partial judgment, and set the deadline for any reply to any objection to the Court’s proposed form of partial judgment (Dkt. No. 114);

7. WHEREAS, pursuant to the Court’s November 2, 2022 Scheduling Order (Dkt. No. 100), Plaintiffs’ motion for class certification is due to be filed on March 9, 2023;

1 8. WHEREAS, the Parties have met and conferred and together agree, that on or
2 before April 28, 2023, Plaintiffs and Defendants Athira and Dr. Kawas will file a formal
3 stipulation of settlement and Plaintiffs will file a motion for preliminary approval of class
4 action settlement;

5 9. WHEREAS, the Parties have met and conferred and together agree, that the
6 Underwriter Defendants shall withdraw the Underwriters' Motion without prejudice;

7 10. WHEREAS, the Parties have met and conferred and together agree, that
8 deferring Plaintiffs' deadline to file a motion for class certification will provide the Court and
9 the Parties greater efficiency and economy.

10 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and among the
11 Parties, and subject to the Court's approval as follows:

12 1. Given the proposed settlement, the Underwriter Defendants withdraw the
13 Underwriters' Motion without prejudice to seeking the relief requested if the settlement does
14 not occur.

15 2. The deadline for Plaintiffs to file a motion for class certification is deferred, but
16 will be reset if Plaintiffs do not file their motion for preliminary approval of the settlement by
17 April 28, 2023, or the Court does not preliminarily or finally approve the settlement.

18 3. On or before April 28, 2023, Plaintiffs and Defendants Athira and Dr. Kawas
19 shall file their formal stipulation of settlement and Plaintiffs shall file their motion for
20 preliminary approval of settlement.

1 Dated: March 8, 2023

SO STIPULATED,

2 s/ Casey E. Sadler

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3 Casey E. Sadler

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Incorporated and JMP Securities LLC*

[PROPOSED] ORDER

Pursuant to the above Stipulated Motion, **IT IS SO ORDERED.**

Dated this ____ day of _____ 2023

HONORABLE THOMAS S. ZILLY
UNITED STATES DISTRICT JUDGE

Presented by:

s/ Casey E. Sadler

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PROOF OF SERVICE

I, the undersigned say:

I am not a party to the above case and am over eighteen years old.

On March 8, 2023, I served true and correct copies of the foregoing document, by posting the document electronically to the ECF website of the United States District Court for the Western District of Washington, for receipt electronically by the parties listed on the Court's Service List.

I affirm under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 8, 2023.

s/ Casey E. Sadler
Casey E. Sadler